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# A true ACCOUNT OF THE PROCEEDINGS AT THE SESSIONS

For *London and Middlesex,*

Begun in the **OLD-BAILLY**  
on Wednesday the Twenty sixth of May. 1680.

Giving the substance of the Tryals of several Male-  
factors; the Number and Crimes of those Con-  
demned, Burnt in the Hand, &c.

With an Account of the Proceedings  
Against

## Captain TOM.

Printed. 28 May. 1680

**T**HE Court being sat, the *London* Jury first came on, and two persons were severally brought to Tryal; one for a common Felony, of which there was sufficient proof, the other for stealing a Gold-watch, of which in the opinion of the Court, and all the Jury but one man, there was very convincing Evidence; it being proved that it was stolen from the owner, and that it was found upon the Prisoner; a person of very ill fame, and who could give no account how he came by it. The Jury retiring to consider of these two matters, and staying longer than usual, the Court sent to know whether they were not agreed; who thereupon coming into Court, the Foreman declared, That they were all agreed except one; who would by no means yield to find the Prisoner for the Watch guilty: then the Court demanded what should induce him to scruple it, after such plain Evidence, and the thing taken upon him: to which the Jurymen answered, That he was not satisfied in his Conscience; for the Watch might be found with the man, and yet he not steal it. The Court expressed a great deal of tenderness, how fit it was the Conscience of every Jurymen should be satisfied, but told him, they conceived in this Case there was no ground for scruple: But two of his fellow-Jurots inform'd the Court, that when in the morning this Gentleman had very much insisted to be excused from serving on the Jury, and found that the Court would not allow him that favour;

but looked on him as a fit man to serve, he thereupon in seeming discontent did say in the Court so loud, that they heard him:—*If I must be on, I'll be cross, or plague them*, or some words to that effect: which he absolutely denyed; but the other two being particularly sworn touching that matter, and testifying the words upon Oath, the Court resenting the same as a high misdemeanour, and laid a Fine of fifty pounds upon him: For though Jury-men, 'tis said, are not by Law to be punisht by fines, for giving Verdicts according to their Consciences, yet it seems both just and necessary that such misdemeanours of self-willed stubbornness be restrained. Then the Court having given the said Juror good Advice, the Jury was returned back again to consider further of it; but he (still) continued in the same sentiments, and so occasioned them all to be kept without Eating or Drinking from morning till six or seven a'clock in the afternoon: in which interval the *Middlesex*-Jury proceeding upon business, there were several Indictments for other Felonies committed in *Middlesex*, brought against the same person, who was so charged with the Watch in *London*, and upon two of them he was found guilty. So that there being enough against him, the Court in respect to the *London*-Jury, (who could not by any means prevail with their Brother to joyn with them) discharged them of the said Prisoner, and took their Verdict onely against the other; but withal ordered, That the said Jury-men should find sureties to appear in the Kings-bench the first day of the next Term.

Another remarkable Tryal was about the Murder of a Constable at the *Armistage-flairs*, for which a poor Waterman stood Indicted; there were abundance of Witnesses examined, and the Tryal was very tedious. But the sum of the matter was to this effect: Some *Scotchmen*, half a dozen or more in all, belonging to a Ship that lay in the River, having been on shore, and 'tis probable taking plentiful Cups, as Sailors use, about nine of the Clock at night were returning to their Vessel; and in order to get to their own Boat, some of them slept through a Boat of the Prisoners, in which there was a Boy, whom a *Scotch*-boy of this company either trod upon or affronted, which made him strike him; and the *Scotchmen* as fast fell on the *English*-boy, who ran and called his Master the Prisoner, and so the Fray encreased: to quell which, the now Prisoner called the Constable living just by, and who was his intimate Friend, for at his house he used commonly to leave several Tackling belonging to his Boat, and other offices of Kindness frequently paid between them. But so it hapned in the Scuffle, it being pretty dark, the Constable's Brains were beat out, supposed to be done with one of their Poles, or Hooks, which they use with their Boats. The *Scotchmen* shifted for themselves and got away, and a person that was there alledged, that the now Prisoner struck the fatal Blow; but besides that there was no former Malice, so 'twas a most unlikely thing, that he should go to hurt one that was his Friend, and came thither at his request to assist him. So that upon the whole matter, it was believed such witness might possibly be mistaken, in so great an Hurry and Confusion; so that the Waterman, who had the repute of an honest, civil, quiet man amongst his Neighbours, was Acquitted.

A Person was Convicted for a Robbery in *Middlesex*, committed in a Victualling-house that stood alone, remote from Neighbours, whither the Prisoner, for some time before the Exploit was committed, used for some days frequently to resort, and seem'd a very civil Guest: but having laid the Design, he and two or three more of his Companions came one Evening, about 9 or 10 of the Clock, before the Doors were shut, there being no body there but the Woman of the house and her Maid; where presently swearing in a furious manner, they began to demand her

her Keys, and this Fellow held the Woman below, whilst the rest went up stairs and ransackt her Trunks, &c. taking away in Money and Goods to the value of near Twenty Pounds; and then binding the Woman and her Servant, went away with the Booty. The Woman, whilst the rest were making haycock above, seeing her self like to be quite undone, wept bitterly, and said to the now Prisoner who held her below, *Alas, Sir, I did not imagine that you would have dealt thus by me!* To which all the Answer the hard-hearted Villain returned, was with a scornful Smile, *No indeed Landlady, I believe you did not.* He had then a Petriwig on, and other Cloaths, but the Woman knew him by his Voice; and the Maid swore directly that he was the man: And so he was found Guilty.

An old fellow, one of those that broke out of the Goal, and upon their retaking at St. Albons being brought up, were publicly exposed with Collars about their Necks, to the view of the people without *Newgate*, having now several Indictments against him; when he was required to plead to the first, said, He was Guilty of that and whatsoever else should be brought against him; and being thereupon asked, Why he would plead so unadvisedly, and whether he had a minde to cast away his Life, answered, That he were as good cast it away himself, for he was sure he should be Hang'd. And indeed he had no reason to promise himself a better Destiny, for he had been a notorious Housebreaker, and the occasion of many other mens ruine, by his bad Example, and pernicious Counsel and Enticement.

A kind of Distracted Woman was Arraigned for stealing a great sum of Money; but she seemed to take no notice of, nor understand any thing that was said against her; and the Officers of the Jail affirmed, that ever since her Commitment, she appeared to them as a person Lunatick, or not *compos mentis*; and therefore in respect of her condition she was set aside.

A young man was found guilty of a Felony and Burghlary in *London*, breaking into an House that he was well acquainted at in the night, and stealing thence a Gold Watch and other things, to the value of one hundred pounds and upwards.

A Bailey belonging to the Marshalse Court, going to Arrest a poor man for a Debt of seven shillings, and according to the usual Cruelty and barbarousness of those savage Cattle, beating and dragging him along a Child of the mans, seeing her Father so used, cryed out: whereupon this brutish fellow turn'd about and struck the poor Child a blow on the head with a great Cudgel, so furiously, that a Gentleman that saw it, testified it was enough to have knockt down the stoutest man. However, the Child was for the present recovered to life, and by the help of a Surgeon, the Wound in some time seemed to be healed, but still she complained of her Head, and seemed to languish ever after, and not long after dyed; so that it was concluded he was the occasion of her death, and accordingly the Jury found him guilty.

An Ale-house-keeper was likewise indicted for killing a poor weak man, whom 'twas said he kickt; but the proof not being positive, and the party deceased having long been known to be very infirm, he was acquitted.

Two Shop-lifts were Convicted of Felony for stealing of three pieces of Damask Silk out of a shop in *London*, where they came pretending to buy Diapers, and whilst the man went to reach it, they got the silk; but he soon missed it, and pursuing them, they according to the usual tricks of Practitioners in that Mystery were seen to drop it.

A Gentleman belonging to a Person of Honour, took a Tryal for killing another; it appeared to be a sudden Fray, and so was found  
Man-



Manslaughter, for which he took his Clergy; and for the other Infliction of Law, produced a Warrant for a Pardon.

Two Women of the unlucky Gang, commonly called Gypsies, were Tried for Robbing of a Country-Maid of a Silver Bodkin and some other small things; but these being many of them when they came to the House where she lived in the Country, she was not able to swear these were the persons that did it: and so they were Acquitted.

Before the London Jury was Discharg'd, some of them interceding for their Fellow before-mentioned, his fine was remitted by the Court; but still to answer the Misdemeanour in the King's Bench.

The Apprentices all but Captain TOM, (as commonly called) formerly Committed, and some of them Bayl'd out last Sessions; were now all Discharg'd; there being no Prosecution against them.

A Woman that came to be a Servant in a Gentlemans house, before she had been there five days, took an opportunity to Rob them of a considerable parcel of Plate and some Money, and carried it down into the Country by a Carrier; being discovered, was now Indicted together with the said Carrier, and she was found Guilty: but the Carrier being a very honest man, and nothing Criminal proved against him, was deservedly Acquitted.

Several people were Arraigned for Stealing of Tankards, Cops, &c. out of Drinking-bouses, to which some Pleaded Guilty, as being within the Benefit of Clergy, others were Convicted; but though there be such frequent Damages suffered in this kinde, yet nothing can warn our proud Ale-drappers, but still partly out of Ambition, and partly Covetousness, to put off a Pint and a quarter instead of a Quart: they will continue the Custom (though they forfeit their Licenses by it) of selling their Liquour in Silver Tankards, &c.

Two persons were charg'd with High-Treason for Coyning, and some suspicious Circumstances were made out; but if they design'd any such thing, they were but Bunglers at the Trade; and there being no punctual Proof, they were found Not Guilty.

A person was convicted touching Horse-stealing, who it seems long followed the Trade of Receiving and putting off what Horses his Confederates stole; and particularly now they having got a Stonehorse and Mare, to disguise them, gilded the Horse, and artificially mark'd the Mare; yet notwithstanding all their Art, it was discovered, and he Condemned.

There were in all Fourteen Condemned; that is to say: Tho. Newel, Will. Gilman, Mary Bird, Eleanor Davies, Anne Rye, Will. Hall, Richard Speckman, John Biggs, John Eskins, Tho. Parry, George Dugdale, Eliz. Brown, Robert Gale, and Tho. Shaw. And Ten burnt in the Hand, one for Transportation, and two to be Whipt: one woman being Reprived before Judgment, and the other four found quick with Child.

Most of the Apprentices were discharged, as aforesaid; but he that is usually called Captain TOM, was thought fit to be kept in Prison.

FINIS.

